

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF DELAWARE**

**JEFFREY M. JASKOL and STACEY J. JASKOL**  
**Individually and On Behalf of All Others Similarly**  
**Situated,**

**Plaintiff,**

**vs.**

**XYBERNAUT CORPORATION, EDWARD G.**  
**NEWMAN, STEVEN A. NEWMAN, M.D.,**  
**THOMAS D. DAVIS, BRUCE C. HAYDEN, and**  
**GRANT THORNTON LLP,**

**SUMMONS IN A CIVIL CASE**

**Case Number:** 05 - 268

**TO: Grant Thornton, LLP**  
c/o The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

**Seth D. Rigrodsky (DSBA #3147)**  
**Ralph N. Sianni (DSBA #4151)**  
**Brian D. Long (DSBA # 4347)**  
**MILBERG WEISS BERSHAD & SCHULMAN LLP**  
**919 N. Market St., Suite 411**  
**Wilmington, DE 19801**  
**Telephone: (302) 984-0597; Facsimile: (302) 984-0870**

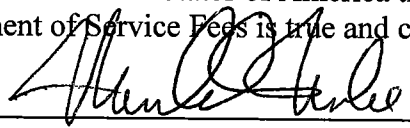
an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties must be filed with the Clerk of this Court within a reasonable period of time after service.

**PETER T. DALLEO**  
CLERK

5/4/05  
DATE

Brian T. Mace  
(BY) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action -

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE <u>5-5-05 @ 1252pm</u>	
NAME OF SERVER (PRINT) <u>Marshal Manlove</u>	TITLE <u>Process Server</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input checked="" type="checkbox"/> Other (specify): <u>served registered agent Corporation Trust</u> <u>1209 Orange St Wilmington DE 19801</u> <u>person served Brian Penrod</u>		
<b>STATEMENT OF SERVICE FEES</b>		
Travel	Services	Total
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>5-5-05</u> <div style="text-align: center; font-size: small;">Date</div>	<div style="text-align: center;">             _____  <div style="text-align: center; font-size: small;">Signature of Server</div> </div> <div style="text-align: center; margin-top: 10px;"> <u>9 E 7th St Wilmington DE</u>            _____  <div style="text-align: center; font-size: small;">Address of Server</div> </div> <div style="text-align: center; margin-top: 10px;"> <u>19801</u> </div>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.